

AUG-09-04

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FROM MATTINGLY, STANGER &amp; MALUR, P.C.

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T-357 P.006/019 F-511

ASA-755-02

In re Patent Application of  
 Serial No. 09/928,498  
 Filed: August 12, 2001  
 For: SCHEDULING MANAGEMENT SYSTEM  
 AND ITS PROCESS CONTROL METHOD

H. ISHIZAKI et al.  
 Group Art Unit: 2173  
 Examiner: K. VU

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(b)) (ref OG 7-28-92)

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

The evidentiary documents accompanying or referred to in the Terminal Disclaimer have been reviewed by the undersigned and it is certified that, to the best of the assignees' knowledge and belief, title is in the assignees seeking to take action.

The Assignment was recorded on February 5, 1999, at Reel 9741, Frame 0706. Assignee/Assignees: Hitachi, Ltd.

We the Petitioners, as indicated herein, are the owners of 100 percent interest in the instant application. Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,313,852. Petitioners hereby agree that any patent so granted on the application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record who may sign this Disclaimer in accordance with 37 CFR § 1.321(b)(1)(iv).

We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attorney of Record:

Daniel J. Stanger  
 (Printed Name)

Attorney of Record  
 (Printed Title)

August 9, 2004  
 (Date)

  
 (Signature)

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.  
☒ The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417.  
☒ PTO suggested wording for terminal disclaimer was  
☒ unchanged, ☐ changed (if changed, an explanation should be supplied).

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The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417, with reference to ASA-755-02.

Respectfully submitted,



Daniel J. Stanger  
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Attorney for Applicants

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